

Bill Track - List

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HB1020 *Ignition interlock devices.* (Duncan)

Digest

Provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past, but only if the court grants the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device. Requires a court, when granting probationary driving privileges to a person who is convicted of OWI and whose previous OWI conviction was at least five but less than ten years in the past, to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

HB1021 *Disregarding school bus stop sign.* (Crouch)

Digest

Increases the penalty for recklessly passing a stopped school bus displaying an extended arm signal device from a Class B to a Class A misdemeanor if the offense causes bodily injury to a person. Requires a court to recommend the driving license suspension of a person who recklessly commits certain offenses resulting in bodily injury. (The introduced version of this bill was prepared by the sentencing policy study committee.)

HB1059 *Child molesting.* (Steuerwald)

Digest

Enhances the penalty for child molesting to a Class B felony if the child is compelled to submit to the fondling or touching by force or the threat of force.

HB1065 *Mandatory ignition interlock for DUI.* (Crouch)

Digest

Requires a court to prohibit a person convicted of operating while intoxicated from operating a motor vehicle that is not equipped with an ignition interlock device for: (1) at least six months if the person does not have a prior conviction for operating while intoxicated; or (2) at least one year if the person has a prior conviction for operating while intoxicated. Requires a court to order the installation of an ignition interlock device if the court grants a person probationary driving privileges in connection with an operating while intoxicated offense. Makes conforming amendments. Repeals superseded provisions.

HB1101 *Arrests for violations of motor vehicle laws.* (Tincher)

Digest

Repeals the law that prohibits a law enforcement officer from arresting or issuing a traffic information and summons to a person for a violation of a law regulating the use and operation of a motor vehicle unless at the time of the arrest the officer is: (1) wearing a distinctive uniform and a badge of authority; or (2) operating a motor vehicle that is clearly marked as a police vehicle; that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle.

HB1115 *Controlled substances and children.* (Cheatham)**Digest**

Requires the department of child services (DCS) to notify the appropriate prosecuting attorney concerning the birth of a child who is born with fetal alcohol syndrome or with a controlled substance or legend drug in the child's body. Requires a law enforcement agency to inform a local office of the DCS when the law enforcement agency arrests a person for any of the crimes the conviction of which renders the offender a "sex or violent offender". Provides that a woman who knowingly or intentionally consumes a controlled substance or a legend drug while knowing she is pregnant commits a Class D felony if the woman's pregnancy results in the birth of a child and the body of the child contains any amount, including a trace amount, of a controlled substance or legend drug.

HB1120 *Problem solving courts.* (L. Lawson)**Digest**

Provides that a court with criminal or juvenile jurisdiction may establish a problem solving court for alternative treatment and rehabilitation. Requires the board of directors of the judicial center to adopt rules for the certification and operation of problem solving courts. Requires the judicial conference of Indiana to submit annual reports, for three years, to the sentencing policy study committee, concerning problem solving courts. (The introduced version of this bill was prepared by the sentencing policy study committee and the commission on mental health.)

HB1121 *Identity theft.* (L. Lawson)**Digest**

Creates the identity theft unit (unit) in the office of the attorney general. Specifies that the unit shall: (1) investigate consumer complaints related to identity theft; (2) assist victims of identity theft; (3) cooperate with law enforcement investigations related to identity theft; and (4) assist state and federal prosecutors in the investigation and prosecution of identity theft. Authorizes certain agencies to cooperate with the unit in investigating identity theft. Authorizes a prosecuting attorney to deputize the attorney general or a deputy attorney general to assist in the prosecution of an identity theft case. Provides that the unit may establish an educational program to inform consumers concerning identity theft. Requires the owner of a data base to notify the attorney general and the owner's regulator, if applicable, of a breach of the security of data. Specifies certain information that a data base owner must disclose if there is a breach of the security of data. Establishes a rebuttable presumption that failing to notify affected persons within 30 days after discovering a breach constitutes unreasonable delay, and requires a data base owner to take certain steps to safeguard data. Provides certain rights to the victims of identity theft. Increases the penalty for identity deception committed against a person's child to a Class C felony. Provides that unlawfully using information that identifies a person other than the person who is using the information but that does not belong in its entirety to any live or deceased person constitutes synthetic identity deception. Makes other changes and conforming amendments.

HB1131 *Criminal law and sentencing policy study committee.* (L. Lawson)**Digest**

Establishes the criminal law and sentencing policy study committee to evaluate criminal laws and sentencing policies. Repeals the noncode law establishing the sentencing policy study committee. (The introduced version of this bill was prepared by the sentencing policy study committee.)

HB1137 *Sex offenses and the Internet.* (Reske)**Digest**

Requires a sex offender, as a condition of parole, a condition of probation, or as part of the sex offender's

sentence, to permit: (1) the search of the person's personal computer at any time; and (2) the installation on the person's personal computer or device with Internet capability, at the person's expense, of one or more hardware or software systems to monitor Internet usage. Provides that the search of the computer must be conducted in a manner that interferes as little as practicable with the legitimate use of the computer, while still allowing a reliable determination of whether the person has committed a crime or violated a condition of probation or parole. Provides that a person who knowingly or intentionally refuses to permit a search of the person's computer or the installation of a monitoring device on the person's computer imposed as a part of the person's sentence may be found to be in indirect contempt of court. Corrects an internal reference.

HB1152 *Child seduction.* (Battles)

Digest

Specifies that for purposes of the crime of child seduction, a child care worker includes a person who works for compensation or as a volunteer for a: (1) school corporation; (2) nonpublic school; (3) cooperative organization in which a school corporation or nonpublic school is a member; or (4) cooperative program in which a school corporation or a nonpublic school participates; that is attended by a child who is the victim of a sex crime. (Current law states that a child care worker includes a person who is employed by a school corporation or nonpublic school attended by a child who is the victim of a sex crime.)

HB1174 *Juvenile confessions.* (Riecken)

Digest

Prohibits an owner or agent of a store from asking a person to sign a written instrument that acknowledges that the person shoplifted in the store or waives any of the person's legal rights if: (1) the person is less than 18 years of age; and (2) no parent or guardian of the person is present at the time the person is asked to sign the written instrument.

HB1175 *Victims' rights.* (Riecken)

Digest

Provides that a victim has the right to: (1) be free from intimidation, harassment, and abuse throughout the criminal justice process; (2) a speedy trial or disposition; and (3) a prompt and final conclusion of the case after conviction and sentencing or other disposition. Specifies that a child less than 16 years of age who is the victim of a sex offense has the right to refuse an interview, a deposition, or any other discovery request by the defendant, the defendant's attorney, or any person acting on behalf of the defendant, as long as the refusal does not deny the defendant's due process right to a fundamentally fair trial.

HB1208 *Health, mental health, and addiction matters.* (C. Brown)

Digest

Allows a department of correction (DOC) offender to be prescribed or administered mental health drugs that are available to a Medicaid recipient under specified circumstances. Requires DOC to adopt standards for the use of mental health drugs for county jails that are the same as the standards used by DOC. Requires the division of mental health and addiction to create a forensic technical assistance center. Creates the mental health Medicaid quality advisory committee as a permanent committee to advise the drug utilization review board. (The Medicaid quality advisory committee is a temporary committee that expires July 1, 2009.) Provides for the closing of a juvenile proceeding for the testimony of health care providers and certain other providers. Creates a multiagency task force on workforce development issues relating to individuals with mental health and addictions issues. Makes a finding that the state needs one mental health facility to be funded by bonding by the finance authority. (The introduced version of this bill

was prepared by the commission on mental health.)

HB1260 *Frivolous litigation.* (Foley)

Digest

Provides that an offender who has filed at least three civil actions that have been dismissed as frivolous may not file a new action in forma pauperis unless the offender is in immediate danger of serious bodily injury. (The introduced version of this bill was prepared by the sentencing policy study committee.)

HB1261 *Sex offender procedures.* (Foley)

Digest

Specifies the court in which a petition to remove the designation as a sexually violent predator or an offender against children must be filed, and provides that the petitioner has the burden of proving that the designation should be removed. (The introduced version of this bill was prepared by the sentencing policy study committee.)

HB1262 *Statute of limitations for sex offenders.* (Foley)

Digest

Specifies that certain Class A felony sex offense prosecutions may be commenced at any time. (The introduced version of this bill was prepared by the sentencing policy study committee.)

HB1265 *Child abuse or neglect records.* (Avery)

Digest

Specifies the data and information that must be disclosed in records of cases of a child fatality or near fatality that may have been a result of abuse, abandonment, or neglect.

HB1284 *Battery.* (VanHaaften)

Digest

Makes it battery, a Class D felony, for a person to knowingly or intentionally touch another person in a rude, an insolent, or an angry manner if the person, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person, touches: (1) the other person's genitals or buttocks; or (2) if the other person is a female, the other person's breast.

HB1313 *Sex offenders in homes with children.* (Kersey)

Digest

Provides that an offender against children who resides with an unrelated child commits unlawfully residing with a child, a Class D felony.

HB1320 *Criminal background checks for teachers.* (Duncan)

Digest

Requires a national criminal history background check for an applicant for: (1) certificated employment with a school corporation or charter school; or (2) a teacher license. Requires each school corporation and each charter school to adopt a policy concerning criminal history background checks.

HB1328 *Custodial interrogation recording.* (L. Lawson)

Digest

Provides that a statement made by a defendant during a custodial interrogation conducted by a state or local law enforcement agency is inadmissible as evidence (subject to certain exceptions) in a felony prosecution unless a video recording of the statement was made and other requirements are met.

Requires law enforcement agencies to retain copies of custodial interrogation recordings for certain periods.

HB1342 *Juvenile home detention.* (Hinkle)

Digest

Provides that if a juvenile court releases a juvenile to the juvenile's parent, guardian, or custodian after a detention hearing or as part of a disposition, the juvenile and the juvenile's parent, guardian, or custodian are subject to the conditions of juvenile home detention. Provides penalties for a parent, guardian, or custodian who does not immediately report any violation by the juvenile of the restrictions and rules of juvenile home detention of which the parent, guardian, or custodian is aware. Provides that a juvenile court does not have jurisdiction over an individual for an alleged violation constituting a felony or misdemeanor if the individual was at least ten years of age at the time of the alleged violation and has at least six prior unrelated misdemeanor or felony convictions or juvenile adjudications for acts that would constitute misdemeanors or felonies if committed by an adult.

HB1361 *Sex offender registry.* (Stemler)

Digest

Specifies that the registration period of a sex or violent offender who is required to register in another jurisdiction is tolled during any period in which the sex or violent offender is incarcerated. (Under current law, the registration period of a sex or violent offender who is required to register under Indiana law is tolled during any period in which the sex or violent offender is incarcerated). Provides that the registration period of a sex offender or violent offender (whether required to register under Indiana law or the law of another jurisdiction) who is convicted of failure to register as a sex or violent offender is tolled for the period during which the person failed to register, beginning on the last date the person registered.

HB1407 *Sex offenders.* (Tyler)

Digest

Requires the parole board, if a sex offender is on parole, or the court, if a sex offender is on probation, to notify a victim of a sex offense of the sex offender's principal residence address. Requires that information concerning a sex or violent offender's sentence and residency restrictions be included on the sex and violent offender registry web site. Provides that a plea agreement may include a requirement that a person register as a sex or violent offender.

HB1421 *Death penalty moratorium and fair sentencing study.* (V. Smith)

Digest

Prohibits: (1) the state from executing a defendant before July 1, 2012; and (2) a court from issuing an order before July 1, 2012, that requires a defendant's execution to be carried out. Establishes the 15 member fair sentencing study commission to: (1) study and review the use of the death penalty; and (2) submit a report to the governor and the legislative council before January 1, 2012, that contains findings and recommendations made by the commission concerning the death penalty, including recommendations for legislation.

HB1422 *False reporting by correctional officers.* (V. Smith)

Digest

Makes it a Class B misdemeanor for a corrections officer to make a false written report or falsify an existing written report concerning an inmate.

HB1439 *DNA testing for arrestees.* (Friend)

Digest

Provides that persons arrested for a felony are required to submit a DNA sample. Makes other changes and conforming amendments.

HB1443 *Expungement of certain conviction records.* (Turner)

Digest

Allows a sentencing court to expunge the records of certain felony and misdemeanor convictions committed before a person was 25 years of age if 12 years have passed since: (1) the completion of the person's sentence; and (2) the satisfaction of any other obligations imposed on the person as a part of the sentence. Allows a law enforcement agency, prosecuting attorney, or court to gain access to permanently sealed records under certain circumstances. Provides that if a court orders a person's records to be expunged, the person: (1) shall be treated for all purposes as if the person had not been arrested for or convicted of the felony or misdemeanor recorded in the expunged records; and (2) may legally state on an application for employment or any other document that the person has not been arrested for or convicted of the felony or misdemeanor recorded in the expunged records.

HB1456 *Drug courts and children in need of services.* (Gutwein, Gutwein)

Digest

Allows a parent, guardian, or custodian of a child who has been adjudicated a child in need of services due at least in part to the substance abuse of the parent, guardian, or custodian to participate in a drug court and receive intervention, treatment, and rehabilitative services. Specifies that if the parent, guardian, or custodian: (1) successfully completes drug court; or (2) has the person's participation in the drug court terminated; that fact must be taken into consideration when modifying a dispositional decree concerning the child in need of services. Provides that, in addition to certain other conditions, a court may defer criminal or juvenile proceedings and place a person who is a parent, guardian, or custodian of a child who has been adjudicated a child in need of services in a drug court only if the department of child services consents to the referral.

HB1458 *Child in need of services.* (Kersey)

Digest

Provides that a child is a child in need of services (CHINS) if a: (1) child's physical or mental health is harmed or at risk of being harmed by an act or omission of the child's parent, guardian, or custodian; or (2) child has an injury or abnormal physical or psychological development or is at risk of a life threatening condition because the child's parent, guardian, or custodian gave the child a toxic or potentially toxic dose of a prescription or nonprescription drug.

HB1462 *Criminal history checks.* (Kersey)

Digest

Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins the student's field or classroom experience. Requires an expanded criminal history background check for a person seeking to obtain or renew a teaching license or certificate. Gives civil immunity for certain school employees for certain acts or omissions during the course of their employment. Adds the professional standards division to the list of entities to be given notice when a licensed employee of a school is convicted of certain felonies and adds possession of child pornography to the list of felonies to be reported.

HB1468 *Animal cruelty.* (L. Lawson)

Digest

Authorizes the court, as a condition of bail or parole, or the parole board, as a condition of parole, to

prohibit a person from owning, harboring, or training an animal, and, if the person is prohibited from having direct or indirect contact with an individual, from having direct or indirect contact with any animal belonging to the individual. Provides that a veterinarian or registered veterinary technician may report a suspected incident of animal mistreatment to a law enforcement officer, and specifies that the veterinarian or registered veterinary technician is immune from civil liability for reports made in good faith. Provides that a person neglects an animal if the person fails to provide reasonable medical care for an animal's injury or illness. Broadens the definition of torturing an animal by administering poison by applying the definition to all vertebrate animals. (Current law applies only to dogs or cats.) Makes abandoning or neglecting an animal a Class A misdemeanor, and enhances the penalty to a Class D felony if the person has a prior conviction. Makes beating an animal a Class D felony.

HB1489 *Use of minor's identity for sexual gratification.* (Ruppel)

Digest

Makes it a Class D felony for a person at least 18 years of age to use a computer network to impersonate a specific child if the impersonation is done with intent to arouse or satisfy the sexual desires of any person. Increases the penalty to a Class C felony if: (1) it results, directly or indirectly, in bodily injury to the impersonated child; (2) as a result of the impersonation, another person commits, attempts to commit, or conspires to commit a felony against the impersonated child; or (3) the person has a prior unrelated conviction for the offense. Provides that a person who commits impersonating a minor for sexual purposes is required to register as a sex or violent offender. Makes conforming amendments.

HB1501 *Certain sex offenders and school property.* (Richardson)

Digest

Provides that, as a condition of probation, a sex offender who is a sexually violent predator or an offender against children (sex offender) shall be prohibited from being on the property of a primary or secondary school. Provides, however, that: (1) if the sex offender attends a primary or secondary school, the sex offender shall be prohibited from being on the property of a primary or secondary school other than the school that the sex offender attends; and (2) if the sex offender is a parent or guardian of a child who attends a primary or secondary school, the sex offender shall be required to notify the school (and if the school is a public school, the school corporation) in writing that the sex offender is a sexually violent predator or an offender against children, and shall be prohibited from being on the property of the school that the child attends unless the sex offender is attending a meeting with a teacher or school administrator and is escorted by an employee of the school or school district while on school property.

HB1521 *False campaign material.* (Truitt)

Digest

Makes it a Class A misdemeanor for a person to intentionally participate in the preparation, dissemination, or broadcast of paid political advertising or campaign material, or in the drafting of a letter to the editor, that: (1) concerns the personal or political character or act of a candidate or the effect of a ballot question; and (2) is designed to or tends to elect, injure, promote, or defeat the candidate or promote or defeat the public question; if the advertising or campaign material or the letter contains information or a statement that was false and the person knew of the falsity or acted with reckless disregard as to truth or falsity. Exempts a person who merely disseminates or broadcasts the material or letter in the normal course of business. Provides that a candidate for nomination or election to public office (if successful) forfeits the nomination or public office if the candidate commits a violation, unless the candidate's violation was trivial or occurred despite the candidate's good faith.

HB1545 *Sentencing for methamphetamine offenses.* (Yarde)

Digest

Makes possessing: (1) more than ten grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or (2) anhydrous ammonia or ammonia solution with the intent to manufacture methamphetamine or amphetamine; Class C felonies instead of Class D felonies. Allows a court to suspend only that part of a sentence that is in excess of the minimum sentence imposed on a person convicted of: (1) dealing in methamphetamine; (2) possessing more than ten grams of ephedrine, pseudoephedrine, or phenylpropanolamine; and (3) possessing anhydrous ammonia or ammonia solution with the intent to manufacture methamphetamine or amphetamine. Provides that when a person convicted of dealing in methamphetamine, possessing more than ten grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or possessing anhydrous ammonia or ammonia solution with the intent to manufacture methamphetamine or amphetamine completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole: (1) until a date not more than 24 months from the date the person is placed on parole, as determined by the parole board; or (2) until the date the person's fixed term of imprisonment expires; whichever is later.

HB1566 *Methamphetamine production.* (Bell)

Digest

Enhances the penalty for manufacturing methamphetamine to a Class A felony if: (1) the laboratory or chemicals used to manufacture the methamphetamine; or (2) waste from the manufacture of the methamphetamine; causes serious bodily injury or death to a person other than the defendant.

HB1578 *GPS monitoring and restraining orders.* (Dembowski)

Digest

Authorizes a court or the parole board to require a person to wear a GPS tracking device as a condition of pretrial release, probation, or parole if the court or parole board has prohibited the person from having contact with an individual. Permits a court to require a person who is subject to an order of protection to wear a GPS tracking device if the court finds by a preponderance of the evidence that the person represents a credible threat to the safety of the individual or a member of the individual's household on whose behalf the order of protection is issued. Provides that if a court or the parole board orders GPS tracking, the court or parole board shall require, if available, the use of a GPS tracking device with victim notification capabilities. Requires the judicial conference of Indiana and the department of correction to provide an annual report to the general assembly until 2013 concerning GPS tracking.

HB1584 *Child exploitation.* (Friend)

Digest

Enhances child exploitation to a Class B felony if the photograph, film, videotape, or digitized image was taken at or created in a public building, school, or library.

HB1609 *Battery on a sports official or utility worker.* (Day, L. Lawson)

Digest

Makes battery on a: (1) sports official at a sports contest; or (2) utility worker engaged in the execution of the utility worker's official duty; a Class D felony instead of a Class B misdemeanor if it results in bodily injury to the sports official or utility worker.

HB1630 *Mutilation of a corpse.* (Bardon)

Digest

Makes mutilation of a corpse a Class B felony if the mutilation interferes with the investigation of the death.

HB1642 *Trafficking in cellular telephones with inmates.* (L. Lawson, Dermody)

Digest

Enhances the penalty for trafficking with an inmate to a Class C felony if the item trafficked is a cellular telephone.

HB1644 *Death penalty executions.* (Dermody)**Digest**

Removes the requirement that a death penalty execution occur before the hour of sunrise on the execution date. Requires an inmate awaiting a death penalty execution to be confined in a maximum security facility.

HB1673 *Discharge of long term inmates.* (V. Smith)**Digest**

Provides that an inmate is eligible for rehabilitation based discharge for long term inmates if the inmate has served 21 years in the department of correction and has received four years of credit time.

HB1690 *CHINS, sex offender, and child molester registry.* (Crouch)**Digest**

Requires a person who is convicted of child selling, neglect of a dependent, or battery upon a child to register as a sex offender, violent offender, or child molester. Renames the designation of "sex offender" to "sex offender or child molester" and renames the designation of "sex or violent offender" to "sex offender, violent offender, or child molester." Provides that a child is a child in need of services (CHINS) if the child resides in Indiana and the child: (1) is found to be a CHINS in another jurisdiction; (2) commits an act in another jurisdiction that would make the child a CHINS if the act were committed in Indiana; and (3) is subject to acts or conditions in another jurisdiction in which the child would be considered a CHINS if the acts or conditions were to take place in Indiana. Allows a court to order a person to register as a sex offender as a condition of probation for not longer than five years. Makes conforming changes.

HB1698 *Sentence enhancement for feticide.* (Murphy)**Digest**

Provides that a person who, while committing a violent crime, causes the death of a child in utero may be sentenced to an additional fixed term of imprisonment that is equal to the advisory sentence for the underlying violent crime.

SB0003 *Vehicle Bill.* (Zakas)**Digest**

Requires a juvenile court to order a child found to be delinquent for the commission of an act that, if committed by an adult, would be: (1) burglary; (2) residential entry; (3) a crime of violence; or (4) a sex offense; to provide a DNA sample to the agency having supervision of the child or to the county sheriff. Makes conforming amendments.

SB0004 *Vehicle Bill.* (Zakas)**Digest**

Permits, subject to Combined DNA Index System (CODIS) guidelines, the superintendent of the state police department to authorize the investigation of a person genetically related to an individual whose DNA profile is stored in the DNA data base if the results of a DNA test conducted on a DNA sample as part of a criminal investigation do not show an exact match between the DNA sample and the DNA profile stored in the data base but show that the DNA sample matches the DNA profile stored in the data base so

closely as to suggest that a person genetically related to the individual whose DNA profile is stored in the data base may be a suspect.

SB0007 *Resisting law enforcement and license suspension.* (Arnold)

Digest

Provides that the driver's license of a person convicted of resisting law enforcement while using a vehicle will be suspended for one year after the date the person is convicted (if the person is not incarcerated) or released from incarceration. Specifies in which court a petition for a hardship license must be filed.

Requires the court to notify the bureau of motor vehicles of the person's conviction, and specifies that the convicted person has the burden of applying for a new or renewal license and establishing that the one year time period has elapsed.

SB0009 *Restricted disclosure of certain arrest records.* (Steele)

Digest

Allows a sentencing court to prohibit the disclosure to a noncriminal justice organization or individual of records relating to a person's arrest if the person is not charged, the person is acquitted of all criminal charges, or if the person's conviction is vacated. (The introduced version of this bill was prepared by the sentencing policy study committee.)

SB0021 *Theft of metal.* (Broden, Steele, Tallian)

Digest

Expands the definition of "valuable metal", and removes the provision exempting valuable metal transactions under \$100 from reporting requirements. Requires a valuable metal dealer to photograph the person from whom the dealer purchases valuable metal and the valuable metal being purchased and to record the source of the valuable metal. Requires the superintendent of the state police to notify valuable metal dealers of valuable metals that are particularly susceptible to theft. Makes trespassing a Class D felony if it is committed on a facility belonging to a public utility. Raises theft and receiving stolen property to a Class C felony if the stolen property is a valuable metal taken from a public utility, railroad, or highway department and the absence of the metal creates a substantial risk of bodily injury to a person. Requires the law enforcement training board to adopt rules to provide, as part of the inservice training program for police officers, training concerning the theft of valuable metals and the regulation of valuable metal dealers. Makes a technical correction. Repeals obsolete provisions relating to the definition of valuable metals. (The introduced version of this bill was prepared by the sentencing policy study committee.)

SB0022 *Death penalty and mental illness.* (Tallian)

Digest

Establishes a procedure to determine whether a defendant charged with murder is an individual with a severe mental illness. Prohibits the imposition of the death penalty on a defendant found to be an individual with a severe mental illness. Provides that a jury serves as the factfinder in a sentencing hearing in a capital case, even if the defendant pleads guilty or is tried to the court. Permits a defendant to waive the right to impanel a jury during the sentencing hearing.

SB0023 *Animal fighting contests.* (Arnold, Charbonneau)

Digest

Defines "baiting" to mean: (1) attacking an animal with violence; (2) provoking an animal; or (3) harassing an animal with another animal; for the purpose of training the animal for or causing the animal to engage in an animal fighting contest. Makes it a Class C felony for a person to do the following: (1) Breed, transfer, or possess an animal for the purpose of baiting the animal or using the animal in an

animal fighting contest. (2) Promote or stage a baiting or an animal fighting contest. (3) Allow property to be used to conduct a baiting or an animal fighting contest. (4) Use an animal in a baiting or an animal fighting contest. (5) Attend a baiting or an animal fighting contest. Makes possession of animal fighting paraphernalia: (1) a Class A misdemeanor if the possession is for the purpose of baiting an animal or with the intent to commit certain animal fighting offenses; and (2) a Class C felony if the possession is with the intent to commit certain animal fighting offenses and while also possessing a dog, cock, fowl, hog, or bird bearing an injury consistent with participation in or training for a baiting or an animal fighting contest. Makes neglect of a dependent a Class C felony instead of a Class D felony if the offense involves a violation of the law concerning animal fighting contests. Authorizes the seizure of money and property that is used by a person to commit certain offenses relating to animal fighting contests. Specifies that certain offenses relating to animal fighting contests are considered racketeering activity. Requires a court to order a person who is convicted of certain offenses concerning animal fighting to refrain from: (1) owning, harboring, or training an animal; or (2) residing in a dwelling with another person who owns, harbors, or trains an animal; for ten years after the person is sentenced. Repeals a provision that makes attending a fighting contest involving animals a Class A misdemeanor.

SB0034 *Assisting a criminal.* (Bray)

Digest

Provides, for purposes of the crime of assisting a criminal, that it is not a defense that the person assisted has not been prosecuted, has not been convicted, or has been acquitted. (The introduced version of this bill was prepared by the sentencing policy study committee.)

SB0041 *Attempted sex crimes as enhancement at sentencing.* (Arnold)

Digest

Provides that an attempted sex offense may be used to establish that a person is a repeat sex offender. Adds certain offenses that may be used to establish that a person is a repeat sex offender, and makes conforming amendments.

SB0045 *Bail.* (Steele)

Digest

Makes changes to the Indiana bail law concerning: (1) credit card service fee payments; (2) notices to sureties and bond agents; (3) circumstances under which a cause is determined; (4) failure to appear; and (5) substitution of bail for deposits. Specifies that a court may require a defendant admitted to bail to execute a bail bond written by an insurer (instead of being executed with sufficient solvent sureties). Removes a provision that allows a court admitting a defendant to bail to require the defendant to post a real estate bond. Provides that if a person charged with a felony under IC 35-42 (offenses against the person) is admitted to bail, the person: (1) shall be admitted to bail by executing a bail bond written by an insurer, depositing cash or securities in an amount equal to the bail, or executing a bond secured by certain real estate; and (2) may not be admitted to bail by executing a bail bond by depositing cash or securities in an amount not less than 10% of the bail.

SB0047 *Conversion by failure to return rented property.* (Steele)

Digest

Requires a lessor to include in a rental or lease agreement: (1) the date, time, and place that a leased item must be returned; and (2) the potential criminal penalties faced by a person who violates the terms of a rental or lease agreement. Makes it a Class D felony if a person knowingly or intentionally fails to return a leased motor vehicle or item of personal property with intent to deprive the property owner of the use of the property.

SB0048 *Child solicitation.* (Head)

Digest

Makes child solicitation committed by a person at least 21 years of age against a child under 14 years of age: (1) a Class B felony if it is committed by means of a computer network; and (2) a Class A felony if it is committed by means of a computer network by a person who has a prior conviction for child solicitation by means of a computer network.

SB0056 *Battery and sexual battery.* (Becker)**Digest**

Makes it battery, a Class D felony, for a person to, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person, touch: (1) the other person's genitals or buttocks; or (2) if the other person is a female, the other person's breast. Makes it sexual battery, a Class D felony, for a person to, with the intent to arouse or satisfy the person's sexual desires or the sexual desires of another person, touch the other person when the other person is unaware that the touching is occurring.

SB0091 *Bias crimes.* (Lanane)**Digest**

Requires law enforcement officers to receive training in identifying, responding to, and reporting bias crimes. Allows an individual who suffers a personal injury or property damage caused by a criminal offense to bring a civil action to recover damages, including punitive damages, if the person who committed the offense knowingly or intentionally selected the victim because of: (1) the victim's actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender identity, sex, or homelessness; or (2) the actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender identity, or sex of an individual affiliated or associated with the victim. Makes commission of a crime because of: (1) the victim's actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender identity, sex, or homelessness; or (2) the actual or perceived color, creed, disability, national origin, race, religion, sexual orientation, gender identity, or sex of an individual affiliated or associated with the victim; an aggravating circumstance that may be considered by a judge when the judge imposes a sentence for the crime. Defines "homeless individual".

SB0092 *Sex offenders and the Internet.* (M. Young)**Digest**

Requires a sex offender, as a condition of parole, a condition of probation, or as part of the sex offender's sentence, to permit: (1) the search of the person's personal computer at any time; and (2) the installation on the person's personal computer or device with Internet capability, at the person's expense, of one or more hardware or software systems to monitor Internet usage. Provides that the search of the computer must be conducted in a manner that interferes as little as practicable with the legitimate use of the computer, while still allowing a reliable determination of whether the person has committed a crime or violated a condition of probation or parole. Provides that a person who knowingly or intentionally refuses to permit a search of the person's computer or the installation of a monitoring device on the person's computer imposed as a part of the person's sentence may be found to be in indirect contempt of court.

SB0129 *Child seduction.* (Delph)**Digest**

Makes it child seduction, a Class D felony, for a person: (1) who is at least 18 years of age; (2) who is a member of the armed forces of the United States or the Indiana National Guard; and (3) who is attempting to enlist a child at least 16 years of age but less than 18 years of age in the armed forces or Indiana National Guard; to engage with the child in sexual intercourse, deviate sexual conduct, or any

fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult.

SB0172 *Electronic recording of custodial interrogations.* (Tallian)

Digest

Requires state and local law enforcement agencies to record electronically custodial interrogations of suspects during felony investigations conducted after June 30, 2010. Requires the agencies to retain copies of custodial interrogations for certain periods. Provides that any statements made by a suspect that are in violation of the custodial interrogation requirements are inadmissible in a felony prosecution against the suspect. Provides for certain exceptions.

SB0181 *Child seduction.* (Lubbers)

Digest

Expands the group of persons who commit child seduction by adding persons employed by a charter school and persons otherwise affiliated with a school corporation, charter school, or nonpublic school, if the person affiliated with the school has direct, ongoing contact with children attending the school. (Under current law, the group of persons who commit child seduction in a school context is limited to persons employed by a school corporation or nonpublic school.)

SB0182 *Criminal history checks.* (Lubbers)

Digest

Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins the student's field or classroom experience. Requires an expanded criminal history background check for a person seeking to obtain or renew a teaching license or certificate.

SB0183 *False statements to state agencies.* (Mrvan)

Digest

Provides that an employee who knowingly or intentionally makes a false statement of independent contractor status to the department of state revenue commits a Class D felony. Provides that an employer or employee shall not classify an employee as an independent contractor for the sole or primary purpose of avoiding the worker's compensation law, and that a violation is a Class A infraction. Provides that a person who makes a false representation that an employee is an independent contractor for the purpose of avoiding the unemployment compensation law commits a Class C misdemeanor. Makes technical corrections. Makes conforming amendments.

SB0186 *Criminal code evaluation commission.* (Merritt)

Digest

Establishes the criminal code evaluation commission to evaluate and offer suggestions to improve the criminal code.

SB0189 *Ephedrine and pseudoephedrine.* (Deig)

Digest

Makes ephedrine and pseudoephedrine schedule V controlled substances. Repeals provisions concerning the establishment and operation of an electronic log to record the sale without a prescription of drugs containing ephedrine and pseudoephedrine.

SB0222 *Killing a domestic animal.* (Arnold)

Digest

Makes it killing a domestic animal, a Class D felony, for a person to knowingly or intentionally kill a domestic animal without the consent of the owner of the domestic animal. Makes the offense a Class C felony if the person knew or reasonably should have known the domestic animal was located on real property that was owned by: (1) the owner of the domestic animal; or (2) a person who keeps domestic animals on the real property for the purpose of breeding, boarding, or training domestic animals. Makes domestic violence animal cruelty a Class C felony instead of a Class D felony if the vertebrate animal that is killed is a domestic animal.

SB0223 *Trafficking cell phones with inmates.* (M. Young, Arnold)

Digest

Makes trafficking with an inmate (which is, without enhancement, a Class A misdemeanor) a Class C felony if the item trafficked is a cellular telephone.

SB0231 *Battery.* (Deig)

Digest

Makes it battery, a Class D felony, for a person to knowingly or intentionally touch another person in a rude, an insolent, or an angry manner if the person, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person, touches: (1) the other person's genitals or buttocks; or (2) if the other person is a female, the other person's breast.

SB0235 *Stay away orders.* (Merritt)

Digest

Requires the division of state court administration to develop and adopt stay away orders. Provides that a person who violates a stay away order as a condition of pretrial release or as a condition of probation commits invasion of privacy. Provides that a protective order includes a stay away order for purposes of the protective order depository. Imposes duties on the clerk of a court and for law enforcement agencies concerning stay away orders. Provides that a court may issue a stay away order as a condition of bail or probation. Provides that a court may consider the violation of a stay away order as an aggravating circumstance.

SB0236 *Sentence enhancement for feticide.* (Merritt)

Digest

Provides that a person who, while committing murder or felony murder, causes the death of a child in utero may be sentenced to an additional fixed term of imprisonment that is equal to the advisory sentence for murder.

SB0237 *False informing and DNA collection.* (Merritt)

Digest

Requires all persons arrested after June 30, 2009, to submit a DNA sample. Makes knowingly providing false information during an official law enforcement investigation a crime. Makes conforming amendments.

SB0238 *Crimes against animals.* (Merritt)

Digest

Provides that a person neglects an animal for purposes of the animal cruelty statute if the person restrains the animal in a manner that physically harms the animal.

SB0239 *Sex or violent offender registration.* (Merritt)

Digest

Requires sex or violent offenders who are required to report, register, and be photographed annually to report, register, and be photographed on a date not earlier than seven days before the offender's birthday and not later than seven days after the offender's birthday.

SB0244 *Offender reentry administrative account.* (M. Young)**Digest**

Requires the department of correction (DOC) to provide each inmate who earns income in the DOC with an offender reentry administrative account (OEAA). Requires that 3% of an inmate's earnings be deposited in an OEAA. Requires the DOC to issue an inmate a check for the balance in the inmate's OEAA when the inmate is released or discharged from incarceration by the DOC.

SB0250 *Bail.* (Wyss, Broden)**Digest**

Specifies that fees collected from a defendant admitted to bail that are deposited in the special death benefit fund are in addition to and not considered part of the defendant's bail. Increases the fees from \$5 to \$10.

SB0252 *Operating while intoxicated.* (Wyss, Broden)**Digest**

Specifies alcohol concentration equivalents for blood tests conducted on blood serum instead of whole blood for use in laws concerning the operation of motor vehicles and motorboats while intoxicated.

SB0261 *Reimbursement of jail costs.* (Kruse)**Digest**

Provides that in all counties a person sentenced for certain felonies or misdemeanors shall pay for jail costs. (Current law provides that a court may order a person to pay jail costs if a county passes an ordinance requiring payment of jail costs.) Requires each county legislative body to establish a nonreverting county prisoner reimbursement fund. (Current law requires a county legislative body to create a county prisoner reimbursement fund if the county has an ordinance requiring payment of jail costs.)

SB0272 *Interference with custody.* (Head)**Digest**

Makes interference with custody a Class D felony (instead of a Class C misdemeanor) if the interference with custody lasts more than 180 continuous days.

SB0273 *Child molesters and credit class IV.* (Head)**Digest**

Expands the definition of "credit restricted felon" to include all persons convicted of child molesting. (Credit restricted felons are required to serve 85% of their sentence.)

SB0274 *Ignition interlock devices.* (Head)**Digest**

Requires a court to prohibit a person convicted of operating while intoxicated from operating a motor vehicle for at least 90 days if the vehicle is not equipped with an ignition interlock device. Makes conforming amendments. Repeals superseded provisions.

SB0276 *Habitual offender filing deadline.* (Head)**Digest**

Permits amending an indictment or information to include a habitual offender charge at any time before trial if the amendment does not affect a particular defense or change the positions of either of the parties.

SB0277 *Nonsupport of a dependent.* (Head)**Digest**

Makes nonsupport of a child a Class B felony if the person owes at least \$15,000 in unpaid support and has a prior unrelated conviction for nonsupport of a child as a Class C felony.

SB0278 *Retail theft.* (Head)**Digest**

Makes it retail theft, a Class C felony, for a person to exert unauthorized control over another person's property having a fair market value of at least one thousand dollars (\$1,000), if the offense is committed: (1) at a retail establishment; and (2) with the intent to resell the property.

SB0279 *Remote alcohol monitoring detention.* (Miller)**Digest**

Specifies that a remote alcohol monitoring program is a program in which a person is required to wear at all times a portable device capable of automatic or on demand testing, recording, and transmission of the person's alcohol consumption level. Authorizes a court to require a person to participate in a remote alcohol monitoring program as a condition of probation, community corrections, or participation in a reentry court program.

SB0290 *Theft of valuable metal.* (Steele)**Digest**

Removes the condition that a valuable metals dealer's acquisition of valuable metal products in a single transaction, to constitute a "purchase" for purposes of the law regulating valuable metals dealers, must be for a consideration of at least \$100.

SB0292 *Police powers of correctional police officers.* (Steele)**Digest**

Authorizes the commissioner of the department of correction to appoint certain individuals as correctional police officers. Requires a correctional police officer to complete a pre-basic training course approved by the law enforcement training board and any other training course established by the department of correction in conjunction with the law enforcement training board. Grants correctional police officers police powers, but only: (1) in connection with offenses committed on the property of the department of correction; (2) in connection with an offense involving an offender who is committed to the department; (3) in connection with an offense committed in the presence of an officer; or (4) while assisting another law enforcement officer who has requested the assistance of the correctional police officer. (The introduced version of this bill was prepared for the sentencing policy study committee.)

SB0293 *Stationery and postage for indigent offenders.* (Steele)**Digest**

Provides that the department of correction (DOC) shall provide every indigent offender, without cost, a reasonable amount of stationery, envelopes, and postage for transmission of correspondence. Provides that other offenders may purchase stationery, envelopes, and postage, and that all offenders may use

interoffice mail to communicate with the DOC and with other agencies of state government. (Under current law, the DOC is required to provide all offenders with stationery, envelopes, and postage.)

SB0294 *Identity deception.* (Steele)

Digest

Creates the identity theft unit (unit) in the office of the attorney general, and specifies that the unit shall: (1) investigate consumer complaints related to identity theft; (2) assist victims of identity theft; (3) cooperate with law enforcement investigations related to identity theft; and (4) assist state and federal prosecuting attorneys in the investigation and prosecution of identity theft. Authorizes certain agencies and persons to cooperate with the unit in investigating identity theft, and authorizes a prosecuting attorney to deputize the attorney general or a deputy attorney general to assist in the prosecution of an identity theft case. Provides that the unit may establish an educational program to inform consumers concerning identity theft. Requires the owner of a data base to notify the attorney general and the owner's regulator, if applicable, of a breach of the security of data. Specifies certain information that a data base owner must disclose if there is a breach of the security of data, establishes a rebuttable presumption that failing to notify affected persons within 30 days after discovering a breach constitutes unreasonable delay, and requires a data base owner to take certain steps to safeguard data. Provides certain rights to the victims of identity theft. Increases the penalty for identity deception committed against the person's child to a Class C felony. Provides that unlawfully using identifying information that identifies a person other than the person who is using the information but that does not belong in its entirety to any live or deceased person constitutes synthetic identity deception. Makes other changes and conforming amendments.

SB0296 *Death penalty executions.* (Steele)

Digest

Removes the requirement that a death penalty execution occur before the hour of sunrise on the execution date. Requires that an inmate awaiting a death penalty execution be confined in a maximum security facility.

SB0297 *Medical examiners and coroners.* (Merritt)

Digest

Creates the office of the state medical examiner (office) within the state department of health. Requires the creation of regional medical examiner offices to conduct autopsies referred by each county coroner in the region. Sets forth the duties of a regional medical examiner. Requires the office to bill the county of residence of a deceased person on whom an autopsy is performed for the costs of the autopsy. Requires a county coroner to certify a death after the regional medical examiner forwards an autopsy report to the county coroner. Requires a certified child death pathologist within the regional office to: (1) consult with the coroner; (2) conduct certain autopsies; and (3) perform certain duties. Repeals provisions establishing or concerning the commission on forensic sciences.

SB0311 *Credit time for tutoring inmates.* (Brodén)

Digest

Requires the department of correction to establish, implement, and maintain an offender tutoring program. Provides that an offender who tutors other offenders and participates in the offender tutoring program may receive good time credit.

SB0331 *Sex offender registry.* (Walker)

Digest

Requires the department of correction to remove from the sex and violent offender registry web site the

name of any sex or violent offender who is no longer required to register. (The introduced version of this bill was prepared by the sentencing policy study committee.)

SB0352 *Rioting at penal facilities.* (Bray)

Digest

Makes rioting a Class D felony instead of a Class A misdemeanor if the offense is committed in or on the premises of a state prison, a correctional facility, a county jail, a penitentiary, a house of correction, or any other facility for confinement of persons under sentence, awaiting trial, or awaiting sentencing.

SB0360 *Neglect of unborn child.* (Stutzman, Stutzman)

Digest

Specifies that, for purposes of the statute governing neglect of a dependent, a dependent includes an unborn child at any stage of development, and that a person "having the care of a dependent" includes a person carrying an unborn child. Makes conforming amendments.

SB0390 *Bail.* (Rogers)

Digest

Provides that an undertaking for bail expires 36 months after the undertaking is posted for the release of a defendant from custody if: (1) the defendant fails to appear as required; and (2) the court fails to make an adjudication concerning the defendant, including refusing to extradite the defendant; during the 36 month period. Requires sureties and bail agents to establish and maintain electronic mail addresses after August 1, 2009. Provides that if a defendant does not appear as provided in a bond and the court orders the bail agent and the surety to surrender the defendant to the court, the clerk may send notice of the order by electronic mail to the bail agent and surety. Reduces the amount of time a surety and bail agent have to produce the defendant or provide a valid reason for the defendant's failure to appear. Reduces the time used to assess late surrender fees against a surety and bail agent. Provides that the court retains late surrender fees instead of the fees being deposited in police pension trust funds and county extradition funds. Specifies that the retained fees must be used by a court to defray the costs of operating the court, including the costs of extraditing criminal defendants and operating diversion programs. Repeals the law establishing county extradition funds.

SB0392 *Expungement of arrest records.* (Rogers)

Digest

Provides for the expungement under certain circumstances of the arrest records of a person whose conviction has been vacated if the state may not or will not refile charges against the person. Establishes a procedure to restrict access to limited criminal history information concerning stale convictions if the person has not been convicted in the previous five years, and prohibits an employer from asking about certain older arrests and convictions.

SB0425 *Expungement of felonies.* (Taylor)

Digest

Provides for the expungement under certain circumstances of the arrest records of a person whose conviction has been vacated if the state may not or will not refile charges against the person. Establishes a procedure to restrict access to limited criminal history information concerning stale nonviolent convictions if the person has not been convicted in the previous eight years, and prohibits an employer from asking about certain older arrests and convictions.

SB0445 *Intimidation.* (Delph)

Digest

Enhances intimidation to a Class D felony if the threat: (1) is communicated to a prosecuting attorney or an employee of a prosecuting attorney; (2) includes a threat that causes another person to part with any property; or (3) is communicated to a parent or sibling of a witness in a pending criminal proceeding. Enhances intimidation to a Class C felony if the threat is a threat to commit a forcible felony against certain individuals. Provides affirmative defenses.

SB0542 *Ignition interlock devices.* (Bray, Steele)

Digest

Changes the requirements and lengths of time for which a court must order probationary driving privileges subject to the condition that a person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device. Requires a person who is granted probationary driving privileges subject to the condition that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device to pay all costs associated with the installation of an ignition interlock device. Requires a person convicted of certain operating while intoxicated offenses to be imprisoned for at least five days or to perform at least 180 hours of community restitution or service. Requires an ignition interlock device manufacturer to submit monthly reports of device failures to the bureau of motor vehicles.

SB0547 *Expungment of criminal records.* (Zakas)

Digest

Establishes a procedure to restrict access to limited criminal history information concerning a person's nonviolent convictions if the person has not been convicted in the previous four years.